



CITY COUNCIL
ATLANTA, GEORGIA

A RESOLUTION

02-*R*-0146

BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

**A RESOLUTION AUTHORIZING PAYMENT IN THE AMOUNT
OF \$4,393.91 IN SETTLEMENT OF THE CLAIM OF THOMAS
FLEWELLYN AGAINST THE CITY OF ATLANTA**

WHEREAS, THOMAS FLEWELLYN has filed a claim against the City of Atlanta seeking damages arising out of property damages sustained when a City sewer mainline stopped up and raw sewage backed up into his apartment building on September 21, 2000 located at 495 Sterling Street, NE; and

WHEREAS, the City had notice of problems in the sewer mainline prior to the back up on September 21, 2000; and

WHEREAS, the City of Atlanta was on notice of said nuisance and yet the City failed to abate said nuisance; and

WHEREAS, inasmuch as the facts disclosed indicate said claim is not based on a claim of negligence, but is a nuisance which is not subject to a defense of sovereign immunity under the laws of the State of Georgia; and

WHEREAS, the claimant has asserted damages in the amount of **\$4,393.91** and has agreed to accept this sum in full and complete satisfaction and settlement of his claim against the City of Atlanta; and

WHEREAS, the City Attorney has recommended that the claim of **THOMAS FLEWELLYN** be settled for the sum of **\$4,393.91**.

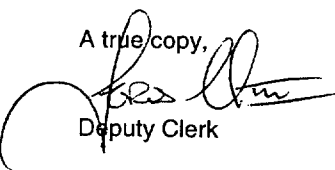
THEREFORE, BE IT RESOLVED that the Council of the City of Atlanta, Georgia that **\$4,393.91** be paid by the City of Atlanta in satisfaction of any and all claims **THOMAS FLEWELLYN** may have stemming from damages sustained to his property on or about September 21, 2000 at 495 Sterling Street, NE.

BE IT FURTHER RESOLVED that the Chief Financial Officer be and hereby authorized to pay the above-mentioned sum from account number 2J01/529017/T31001.

A true copy,

**ADOPTED by the Council
APPROVED by the Mayor**

FEB 04, 2002
FEB 12, 2002


Deputy Clerk

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 01L0437

Date: 01/14/02

Claimant /Victim THOMAS FLEWELLYN

BY: (Atty) _____

Address: 495 Sterling Street, NE Atlanta, Georgia 30307

Subrogation: _____ Claim for Property damage \$ 4,393.91 Bodily Injury \$ _____

Date of Notice: 10/12/00 Method: Written, proper X Improper _____

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 9/21/00 Place: 495 Sterling Street, NE

Department Public Works Division: Sewer Operations

Employee involved _____ Disciplinary Action _____

NATURE OF CLAIM: The claimant sustained extensive damages to his apartment when a City sewer mainline stopped up and raw sewage backed up into his apartment building. The City had notice of problems in the sewer line prior to the September 21, 2000 occurrence. The City has made the necessary repairs to the sewer mainline and it no longer presents a hazard.

INVESTIGATION:

Statements: City employee _____ Claimant X Other X Written X Oral X

Pictures _____ Diagrams _____ Reports: Police _____ Dept Report X Other X

Traffic citations issued: City Driver _____ Claimant Driver _____

Citation disposition: City Driver _____ Claimant Driver _____

BASIS OF RECOMMENDATION:

Function: Governmental _____ Ministerial X

Improper Notice _____ More than Six Months X Other _____ Damages reasonable X

City not involved _____ Offer rejected _____ Compromise settlement X

Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____

Claimant Negligent _____ City Negligent X Joint _____ Claim Abandoned _____

Respectfully submitted,

INVESTIGATOR - ALEXIS HOLMES

RECOMMENDATION:

Pay \$ 4,393.91 Adverse _____ Account charged: 1A01 _____ 2J01 X 2H01 _____

Claims Manager: [Signature] Concur/date 01-14-02

Committee Action: _____ Council Action _____

RCS# 3449
2/04/02
4:05 PM

Atlanta City Council

Regular Session

CONSENT I

Pages 1 thru 6: Except 02-O-0004;
02-R-0005;02-O-0006;02-R-0193;02-R-0105
ADOPT

YEAS: 14
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 0
ABSENT 0

SEE ATTACHED LISTING OF
ITEMS ADOPTED/ADVERSED
ON CONSENT AGENDA

Y Smith	NV Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	Y Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	Y Boazman	NV Woolard

ITEM (S) REMOVED FROM
CONSENT AGENDA
02-R-0105
02-R-0193

CORRECTED COPY

02/04/02 Council Meeting

**ITEMS ADOPTED ON
CONSENT AGENDA**

1. 02-O-0169
2. 02-R-0088
3. 02-R-0146
4. 02-R-0147
5. 02-R-0179
6. 02-R-0137
7. 02-R-0138
8. 02-R-0139
9. 02-R-0140
10. 02-R-0141
11. 02-R-0142
12. 02-R-0143
13. 02-R-0144
14. 02-R-0145

**ITEMS ADVERSED ON
CONSENT AGENDA**

15. 02-R-0117
 16. 02-R-0118
 17. 02-R-0119
 18. 02-R-0120
 19. 02-R-0121
 20. 02-R-0122
 21. 02-R-0123
 22. 02-R-0124
 23. 02-R-0125
 24. 02-R-0126
 25. 02-R-0127
 26. 02-R-0128
 27. 02-R-0129
 28. 02-R-0130
 29. 02-R-0131
 30. 02-R-0132
 31. 02-R-0133
 32. 02-R-0134
 33. 02-R-0135
 34. 02-R-0136
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02-R -0146

(Do Not Write Above This Line)

A RESOLUTION

BY PUBLIC SAFETY AND LEGAL
ADMINISTRATION COMMITTEE

A RESOLUTION AUTHORIZING
PAYMENT IN THE AMOUNT OF
\$4,393.91 IN SETTLEMENT OF THE
CLAIM OF THOMAS FLEWELLYN
AGAINST THE CITY OF ATLANTA
AND FOR OTHER PURPOSES

APPROVED BY:

Rosalind Rubens Newell

ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

ADOPTED BY

FEB 04 2002

- ☐ CONSENT REFER
- ☐ REGULAR REPORT REFER
- ☐ ADVERTISE & REFER COUNCIL
- ☐ 1st ADOPT 2nd READ & REFER
- ☐ PERSONAL PAPER REFER

Date Referred

Referred To:

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee
Date
Chair
Referred to

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

FINAL COUNCIL ACTION

- ☐ 2nd
- ☐ 1st & 2nd
- ☐ 3rd
- Readings
- ☒ Consent
- ☐ V Vote
- ☒ RC Vote

CERTIFIED

CERTIFIED

FEB 04 2002

ATLANTA CITY COUNCIL PRESIDENT

Calvin W. Worland

CERTIFIED

FEB 04 2002

Ronald Davidson Johnson
MUNICIPAL CLERK

MAYOR'S ACTION

Shirley Spivey

FEB 7 2002

AYC